



## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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Filed by: Sally Gardner Lane  
Telephone: 571-272-4683  
Facsimile: 571-273-0042

Applicant: Zyzak  
Application No.: 10/606,137,  
Filed: 06/25/03  
For: Method for reducing acrylamide in foods, foods  
having reduced levels of acrylamide, and article of  
commerce

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105579.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Sally Gardner Lane/  
SALLY GARDNER LANE  
Administrative Patent Judge

## INTERFERENCE DIGEST

Interference No. 105579

Paper No.

Name: Zyzak, et al.

Serial No.: 10/606,037

Patent No.

Title: Method for reducing acrylamide in foods, foods having reduced levels of acrylamide, and article of commerce

Filed: June 25, 2003

Interference with: Elder, et al.

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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### FINAL DECISION

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, \_\_\_\_\_

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Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

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This should be placed in each application or patent involved in interference in addition to the interference letters.

Mail Stop Interference  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Tel: 571-272-4683  
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Paper 1

Filed: 14 August 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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DAVID VINCENT **ZYZAK**,  
ROBERT ALAN SANDERS, MARKO STOJANOVIC,  
DAVID CAMMIADÉ GRUBER, PETER YAU TAK LIN,  
MARIA DOLORES MARTINIZE-SERNA VILLAGRAN,  
JOHN KEENEY HOWIE, and  
RICHARD GERARD SCHAFFERMEYER

Junior Party  
(Application 10/606,137),

v.

VINCENT ALLEN **ELDER**,  
JOHN GREGORY FULCHER, and  
HENRY KIN-HANG LEUNG

Senior Party  
(Patent 7,037,540).

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Patent Interference No. 105,579  
(Technology Center 1700)

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**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

**Part A. Declaration of interference**

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1           An interference is declared (35 U.S.C. § 135(a)) between the above-identified  
2 parties. Details of the application(s), patent (if any), reissue application (if any), count(s)  
3 and claims designated as corresponding or as not corresponding to the count(s) appear  
4 in Parts E and F of this DECLARATION.

5           **Part B. Judge managing the interference**

6           Administrative Patent Judge Sally Gardner Lane has been designated to manage  
7 the interference. Bd. R. 104(a).

8           **Part C. Standing order**

9           A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
10 DECLARATION. The STANDING ORDER applies to this interference.

11          **Part D. Initial conference call**

12          A telephone conference call to discuss the interference is set for **2:00 p.m. on 4**  
13 **October 2007** (the Board will initiate the call).

14          No later than **four business days** prior to the conference call, each party shall  
15 file and serve (SO §§ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;  
16 SO §§ 104.2.1, 120 & 204) the party intends to file.

17          A sample schedule for taking action during the motion phase appears as Form 2  
18 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to  
19 the conference call and to agree on dates for taking action. A typical motion period  
20 lasts approximately eight (8) months. Counsel should be prepared to justify any request  
21 for a shorter or longer period.

**Part E. Identification and order of the parties**

Junior Party

Named inventors:

David Vincent Zyzak  
Mason, OH

Robert Alan Sanders  
Fairfield, OH

Marko Stojanovic  
Cincinnati, OH

David Cammiade Gruber  
Cincinnati, OH

Peter Yau Tak Lin  
Liberty Township, OH

Maria Dolores Martinez-Serna Villagran  
Mason, OH

John Keeney Howie  
Oregonia, OH

Richard Gerard Schafermeyer  
Cincinnati, OH

Involved Application :

10/606,137, filed 25 June 2003

Title:

Method for reducing acrylamide in foods, foods  
having reduced levels of acrylamide, and article of  
commerce

Assignee:

The Procter and Gamble Company

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Senior Party

Named Inventors: Vincent Allen Elder  
Carrollton, TX

John Gregory Fulcher  
Dallas, TX

Henry Kin-Hang Leung  
Plano, TX

Involved Patent: 7,037,540, issued on 02 May 2006 from application  
10/247,504, filed 19 September 2002

Title: Method for reducing acrylamide formation in thermally  
processed foods

Assignee: Frito-Lay North America, Inc.

The senior party is assigned exhibit numbers 1001-1999. The junior party is  
assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO & 154.2.1. The senior party  
is responsible for initiating settlement discussions. SO & 126.1.

**Part F. Count and claims of the parties**

Count 1

Claim 51 of Zyzak (10/606,137) or claim 1 of Elder (10/247,504).

The claims of the parties are:

Zyzak: 1-6, 8-10 and 51-63

Elder: 1-13

The claims of the parties which correspond to Count 1 are:

Zyzak: 1-6, 8-10 and 51-63

Elder: 1-13

1           The claims of the parties which do not correspond to Count 1, and therefore are  
2 not involved in the interference, are:

3           Zyzak:None

4           Elder: None

5           The parties are accorded the following benefit for Count 1:

6           Zyzak:US 60/412,307, filed 20 September 2002

7           US 60/421,432, filed 25 October 2002

8           US 60/431,147, filed 05 December 2002

9           Elder: None

**Part G. Heading to be used on papers**

The following heading must be used on all papers filed in this interference, see  
SO & 106.1.1:

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JOHN GREGORY FULCHER, and  
HENRY KIN-HANG LEUNG

Senior Party  
(Patent 7,037,540).

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Patent Interference No. 105,579  
(Technology Center 1700)

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Enc:

Copy of STANDING ORDER

Form PTO-850

Copy U.S. Patent 7,037,540

Copy of claims of 10/606,137

### Copy of default times

Revised 3 January 2006

cc (via overnight delivery):

**Attorney for Zyzak:**

THE PROCTER & GAMBLE COMPANY

Intellectual Property Division

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